

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 21-31 and 59-81 remain pending, wherein claims 21, 22, 59-62, 68, 71-77 and 80 are amended and claim 58 is canceled.

Initially, the Applicant would like to thank Examiner Kucab for his time and courtesy extended during the personal interview conducted with inventor David Dillon and the undersigned on September 20, 2010. The following discussion summarizes the issues discussed during the personal interview.

Claims 21, 59 and 71 are amended to remove the recitation of a “desired probability”, which addresses the indefiniteness rejection under 35 U.S.C. § 112, second paragraph.

Applicant has amended independent claims 21, 59 and 71 to focus on the code string conception and birth concept discussed on page 11, lines 11-26 of the application as filed. Specifically, as discussed during the personal interview, it may occur that a generated code string may not end up being used because of a failure of the label application machinery. In this case there will be code strings that are not actually used but exist within the code string database. This allows for counterfeiters to use these code strings because the database will indicate that these are valid codes. Accordingly, Applicant’s claims now involve marking an instantiation with a code string, capturing the marked code string and then distributing the instantiation along the chain of commerce after the code string has been captured and stored.

As discussed during the personal interview, Doljack discusses verifying codes in the field, but not capturing the marked code strings and storing the captured code strings prior to distribution along a chain of commerce. Hamid and Miolla do not remedy this deficiency of Doljack, and accordingly the amended claims are patentably distinguishable over the current grounds of rejection.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323, Docket No. 102980.58649US2.

Respectfully submitted,

September 23, 2010

/Stephen W. Palan, Reg. # 43,420/
Stephen W. Palan
Registration No. 43,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
SWP:crr
12254971